

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA :
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-v- : 18 Cr. 41 (DLC)
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JASON CHRISTIAN, : ORDER
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Defendant. :
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DENISE COTE, District Judge:

Jason Christian has moved for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A). On May 8, 2019, Christian pleaded guilty to conspiracy to distribute crack cocaine, in violation of Title 21, United States Code, Sections 846 and 841(b)(1)(c). On October 11, 2019, this Court sentenced Christian to a below-Guidelines sentence of 80 months' imprisonment. He is currently incarcerated at Federal Correctional Institution-Beckley. He is forty years old and the Bureau of Prisons ("BOP") projects that he will be released on March 2, 2024.

Christian made an administrative request of his warden for compassionate release on September 7, 2020, and the request was denied. He then sent a letter to this Court requesting the appointment of counsel to assist him in filing a motion for compassionate release. The Court received the letter on September 17, 2020 and appointed counsel for Christian. After a

delay stemming from efforts by Christian's counsel to access Christian's medical records, a motion for compassionate release was filed on March 5, 2021. The Government filed its opposition to Christian's motion on March 15, 2021.

Since Christian has exhausted his administrative remedies, his motion is ripe for review. As such, the Court may reduce his sentence if it finds that "extraordinary and compelling reasons" warrant a reduction, 18 U.S.C. § 3582(c)(1)(A)(i). District courts are tasked with "independently . . . determin[ing] what reasons, for purposes of compassionate release, are extraordinary and compelling." United States v. Brooker, 976 F.3d 228, 234 (2d Cir. 2020) (citation omitted). If the Court finds that "extraordinary and compelling reasons" are present, the Court must also consider the sentencing factors set forth at 18 U.S.C. § 3553(a) before reducing Christian's sentence.

Christian's petition is denied, as he has not demonstrated that the § 3553(a) factors warrant early release. The Government does not dispute that Christian's medical history constitutes "extraordinary and compelling" circumstances. Christian suffers from multiple chronic medical conditions that increase the risk of severe illness from COVID-19. But Christian has already contracted and recovered from COVID-19,

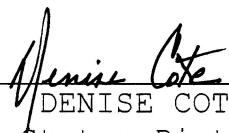
and the BOP is currently offering vaccination against COVID-19 to inmates at Christian's institution. See COVID-19 Vaccine Implementation, Federal Bureau of Prisons, <https://www.bop.gov/coronavirus/index.jsp> (last visited March 16, 2021).

As significantly, the § 3553(a) factors weigh against a reduction of sentence. Christian committed a grave crime: he personally distributed crack cocaine and heroin and carried a firearm as part of his role in the MacBallas, a violent Bronx street gang. Christian also has a lengthy history of similar criminal conduct. Despite the severity of his offense of conviction and his criminal history, the Court sentenced him to a below-Guidelines sentence of 80 months. No further reduction is warranted. Accordingly, it is hereby

ORDERED that the March 5 petition for compassionate release pursuant to § 3582(c)(1)(A) is denied.

SO ORDERED:

Dated: New York, New York
March 23, 2021


DENISE COTE
United States District Judge